

**LAW
OF THE REPUBLIC OF BELARUS
ON THE CONSTITUTIONAL COURT OF THE REPUBLIC OF BELARUS**

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**Chapter I
GENERAL PROVISIONS**

Article 1

Functions of the Constitutional Court

Supervision of the constitutionality of enforceable enactments in the Republic of Belarus shall be exercised by the Constitutional Court of the Republic of Belarus.

The Constitutional Court shall be established to safeguard the supremacy of the Constitution and to assure its direct action on the territory of the Republic, to insure the conformity of acts issued by the governments authorities to the Constitution, to strengthen lawfulness in law-making and the application of laws, to address other issues provided by the Constitution and this Law.

Article 2

Basic Principles of the Constitutional Court Activities

The basic principles of the Constitutional Court activities shall be lawfulness, independence, collegiality, the public and oral nature of proceedings, equality of the rights of the parties and adversarial proceedings.

The Constitutional Court shall be independent in exercise of its functions.

Any form of pressure on the Constitutional Court or its members in connection with constitutional supervision shall be prohibited and liable to prosecution under law.

Article 2¹

Lawfulness

The Constitutional Court shall make its rulings on the basis of the Constitution of the Republic of Belarus, legal instruments of international law ratified by the Republic of Belarus as well as laws and other enforceable enactments.

When considering issues concerning the compliance of enforceable enactments with the Constitution of the Republic of Belarus, the Constitutional Court shall proceed from the presumption of their constitutionality.

Article 2²

Independence

The independence of the Constitutional Court shall be guaranteed by specific rules for the appointment, election of judges and the termination of their office, by their immunity, by the procedure laid down for the examination of cases and issues falling within the competence of the Constitutional Court, by the secrecy of judges' deliberation in the deliberative room, by liability for disrespect for the Constitutional Court or interference in

its activities, by the creation of the necessary organisational and technical conditions for its work and also by the granting to judges of material and social benefits in keeping their elevated status. status.

Article 2³

Collegiality

Matters falling within the competence of the Constitutional Court shall be examined by judges in benches.

Article 2⁴

Public Nature of Proceedings

The Constitutional Court shall rule on matters publicly, except in the cases provided for in the third paragraph of Article 26 of this Law. Judgments of the Constitutional Court shall in all cases be publicly announced.

Article 2⁵

Oral Nature of Proceeding

The proceedings at sittings of the Constitutional Court shall be conducted orally. When considering cases, the Constitutional Court shall hear the parties, their representatives, experts, specialists and witnesses and read out the documents relating to the case.

Article 2⁶

Equality of the Rights of the Parties and Adversarial Proceedings

The parties shall enjoy equal rights during consideration their case by the Constitutional Court.

Constitutional legal proceedings shall be based on the adversarial principle.

Article 3

Language of the Constitutional Legal Proceedings

Proceedings before the Constitutional Court shall be held in Belarusian and (or) Russian languages.

Article 4

Legislation on the Constitutional Court

The jurisdiction, organisation and working procedures of the Constitutional Court shall be defined by the Constitution and the present Law.

Issues concerning guarantees of the activities of the Constitutional Court and its members may be by other legislative texts.

In accordance with the present Law, the Constitutional Court shall adopt regulations governing its activities.

Article 5

Jurisdiction of the Constitutional Court

The Constitutional Court shall be competent to consider the cases and produce rulings on:

the conformity of laws, decrees and edicts of the President, international agreements and other obligations of the Republic of Belarus to the Constitution and other instruments of international law ratified by the Republic of Belarus;

the conformity of instruments of interstate formations of which the Republic of Belarus is part, edicts of the President of the Republic of Belarus which are issued to the execution of the law, the Constitution, the laws, decrees and instruments of international law

ratified by the Republic of Belarus;

the conformity of the ordinances of the Council of Ministers and orders of the Supreme Council, the Supreme Economic Court, Procurator-General to the Constitution, laws and instruments of international law ratified by the Republic of Belarus, laws, decrees and edicts;

the conformity of enactments of any other state body to the Constitution, laws and decrees as well as to the laws and instruments of international law ratified by the Republic of Belarus.

The Constitutional Court shall consider issues concerning the constitutionality of the enactments referred to in the first part of this Article, may discuss the issues of both as a whole and in respect of their individual provisions.

In instances specified by the Constitution, the Constitutional Court with regard to the proposal of the President shall give its conclusion on the presence of instances of systematic or flagrant violation of the Constitution of the Republic of Belarus by the chambers of Parliament.

Article 6

Procedure for Submitting Cases for Consideration by the Constitutional Court

The Constitutional Court shall consider cases on the appropriate proposals of the initiators.

Applications to review the constitutionality of an enactment may be submitted to the Constitutional Court by the President of the Republic of Belarus, the House of Representatives, the Council of the Republic, the Supreme Court of the Republic of Belarus, the Supreme Economic Court of the Republic of Belarus, the Council of Ministers of the Republic of Belarus.

If, under Article 112 of the Constitution, during the hearing of a specific case, a court concludes that an enforceable enactment is contrary to the Constitution, it makes a ruling in accordance with the Constitution and, after a ruling of a court becomes valid, raise before the Supreme Court or the Supreme Economic Court of the Republic of Belarus accordingly the issue on submitting by them the application to the Constitutional Court of whether the enforceable enactment in question should be deemed unconstitutional.

The Supreme Court or the Supreme Economic Court of the Republic of Belarus shall be obliged to submit to the Constitutional Court, in the period of one month, the application of whether such an enforceable enactment should be deemed unconstitutional.

Other state bodies, public associations and also citizens shall apply to the bodies or persons empowered to submit an application for review of the constitutionality of an enactment.

The Constitutional Court shall be entitled to refuse, giving reasons, an application to review the constitutionality of an enactment on the grounds provided for in the present Law.

The Constitutional Court on the grounds of the proposal of the President of the Republic of Belarus shall give its conclusion on the presence of instances of systematic or flagrant violation of the Constitution of the Republic of Belarus by the chambers of Parliament.

The Constitutional Court shall not be entitled to refuse to consider this issue.

Article 7

Right the Constitutional Court to Submit Proposals to State and Other Bodies

The Constitutional Court shall be entitled to submit to the President of the Republic of Belarus, the chambers of the Parliament of the Republic of Belarus, other state bodies, according to their competencies, proposals as to the necessity of amending an

supplementing the enactments of legislation in force, and as to adoption of new enforceable enactments. The Constitutional Court shall furthermore be entitled to submit to state and other bodies other proposals deriving from its powers. The proposals of the Constitutional Court submitting to state and other bodies shall be considered by them in terms and according to the procedure established for these bodies.

Article 8

Working System of the Constitutional Court

The sittings of the Constitutional Court shall be held as and when necessary and shall be convened by the Chairperson of the Constitutional Court at his or her own initiative or at the request of no less than three Constitutional Court judges.

Article 9

Juridical Force of the Constitutional Court Decisions. The Consequences of an Enactment Being Declared Unconstitutional

Laws, Decrees and Edicts of the President of the Republic of Belarus, international agreements and other obligations of the Republic of Belarus, instruments of interstate formations of which the Republic of Belarus is part, the ordinances of the Council of Ministers of the Republic of Belarus, orders of the Supreme Court of the Republic of Belarus, the Supreme Economic Court of the Republic of Belarus, Procurator-General of the Republic of Belarus, enactments of other state bodies found by the Constitutional Court to be contrary to the Constitution or to other enactments which have supreme legal force shall be considered void either as a whole or in respect of some of their provisions from a date specified by the Constitutional Court.

Declaration of an enactment or its individual provisions to be contrary to the Constitution or to enactments which have supreme legal force shall be ground for abolition in established procedure of other enforceable enactments based on such an enactment or on its individual provisions or those which reproduce it or contains these provisions. The provisions of such enforceable enactments may not be applied by courts, other bodies and officials.

Article 10

Binding Force of the Judgements of the Constitutional Court and Time Limits for Considering Them

The judgments of the Constitutional Court within its area of competence shall be binding throughout the territory of the Republic of Belarus for all state bodies, enterprises, institutions, organisations, officials and citizens.

The judgments the Constitutional Court shall be considered by the bodies and individuals to whom they are addressed to. Those bodies and individuals must reply to the Constitutional Court within the time specified by it, unless otherwise stipulated in the present Law.

Any refusal to consider a judgment of the Constitutional Court or evasion of the obligation to do so, any non-observance of time limits and any failure to enforce or inappropriate enforcement of a judgment of the Constitutional Court shall entail liability in accordance with the legislation of the Republic of Belarus.

Article 11

Limits of the Competence of Constitutional Court

The limits of the competence of the Constitutional Court to rule on cases shall be determined by the Constitutional Court according to the present Law.

In its consideration of the constitutionality of an enactment in question, the Constitutional Court shall determine its conformity to the Constitution, instruments of international law ratified by the Republic of Belarus, the laws, decrees and edicts of the President of the Republic of Belarus:

- 1) on the content of norms;
- 2) on the form of an enforceable enactment;
- 3) from the view point of power differentiation among state bodies;
- 4) on the order of adoption, signing, publication and coming into force.

In its consideration of issues, the Constitutional Court shall not be bound by the arguments and opinions of the parties concerned.

The Constitutional Court may also give rulings on enactments based on an enactment already reviewed or reproducing certain provisions of that enactment, even if they are not referred to in the application.

When reviewing an enactment, the Constitutional Court shall take into consideration both its literal meaning and the meaning attributed to it by its practical application.

The Constitutional Court shall not be entitled to undertake a review or analysis draft enactments whose constitutionality it may be called upon to consider.

Chapter 2

MEMBERSHIP, PROCEDURE OF FORMING OF THE CONSTITUTIONAL COURT AND STATUS OF THE JUDGES OF THE CONSTITUTIONAL COURT

Article 12

Membership of the Constitutional Court

The Constitutional Court shall consist of a Chairperson, a Vice-Chairperson and ten judges.

The Constitutional Court shall be competent to give rulings and shall begin work when no less than eight members of the Constitutional Court have been appointed and elected (henceforce - judge).

Article 13

Procedure of Forming of the Constitutional Court

Six judges of the Constitutional Court shall be appointed by the President of the Republic of Belarus and six elected by the Council of the Republic of the National Assembly of the Republic of Belarus.

The Chairperson of the Constitutional Court shall be appointed by the President of the Republic of Belarus with the consent of the Council of the Republic of the National Assembly of the Republic of Belarus from among the judges of the Constitutional Court. The Vice-Chairperson shall be elected by the Constitutional Court from among its appointed and elected judges on a proposal from the Chairperson of the Constitutional Court.

In the event of premature removal of an elected or appointed judge from the Constitutional Court, another judge shall be elected or appointed in accordance with the analogous procedure.

In the event of the absence of the Chairperson and Vice-Chairperson of the Constitutional Court or in the event of their inability to exercise their functions, the most senior judge of the Constitutional Court shall exercise the powers set up in Article 19 of the present Law.

Article 14

Requirements for Application for the Office of the Constitutional Court Judge

Citizens of the Republic of Belarus having received higher education in law, holding an advanced legal qualification, having as a rule a scientific degree and possessing high moral standards shall be eligible for the office of Constitutional Court judge. After their appointment and election, Constitutional Court judge is attributed by the President of the Republic of Belarus on specified order the rank of qualified judge.

The permissible age limit for the members of the Constitutional Court shall be 70 years.

Article 15

Term of Office of Judges of the Constitutional Court

Constitutional Court judges shall be appointed and elected for a term of eleven years and may re-appointed and re-elected for another term. The Chairperson of the Constitutional Court may be removed from office of the Chairperson of the Constitutional Court by the President of the Republic of Belarus on the grounds provided by the present Law with the notice of the Council of the Republic of the National Assembly of the Republic of Belarus. Vice-Chairperson of the Constitutional Court shall be elected by the judges of the Constitutional Court on the submission of the Chairperson of the Constitutional Court.

Article 16

Activities Incompatible with the Office of a Constitutional Court Judge

The Constitutional Court judges may not engage in business activities or other remunerated activities besides teaching and research work. They may not be members of the Council of the Republic of the National Assembly of the Republic of Belarus, deputies or members of political parties or other public associations pursuing political aims.

Article 17

Oath to be Taking by a Member of the Constitutional Court Member

A member of the Constitutional Court may take part in the Court's activities only after having taken the Oath of office.

The Constitutional Court judges both appointed by the President of the Republic of Belarus and elected by the Council of the Republic of the National Assembly of the Republic of Belarus shall be sworn in by the President of the Republic of Belarus in the presence of the Chairpersons of the House of Representatives and the Council of the Republic of the National Assembly of the Republic of Belarus.

Each member of the Constitutional Court shall take the following Oath:

"I, (surname, first name, patronymic), hereby assume an obligation to the people of the Republic of Belarus to perform the duties of the judge of the Constitutional Court honestly, conscientiously and impartially, to protect the constitutional order and the supremacy of the Constitution".

A judge during his or her term of office at the Constitutional Court of the Republic of Belarus shall be sworn once.

Article 18

Early Termination of the Term of Office of the Constitutional Court Judge

The term of office of a Constitutional Court judge may be terminated in before the appointed time in the following cases:

- 1) on his or her request for resignation;
- 2) if he or she has forfeited citizenship of the Republic of Belarus;

- 3) when he or she has reached the permissible age specified for the office of the Constitutional Court judge;
- 4) if he or she, in spite of warning by the Constitutional Court, continue to be engaged in activities incompatible with the office of a judge;
- 5) if his or her actions defame the honour and dignity of a judge or other actions which discredit the Constitutional Court;
- 6) when a guilty verdict passed in respect of him or her by the court of law that has come into legal force;
- 7) if he or she is recognised incapable by the court decision that has come into legal force;
- 8) if he or she is declared as a missing or a dead person by the court decision that has come into legal force;
- 9) if he or she is recognised in prescribed order to be disable or incapable due to health reasons to perform duties of a judge during an extended period of time (not less than one year);
- 10) in case of his or her death.

The term of office of a Constitutional Court judge shall be done by the President of the Republic of Belarus on the basis of the submission of the Constitutional Court (points 2-10 of paragraph one of the present Article) or personal written application of a judge (point 1 of paragraph one of the present Article), with notification of the Council of the Republic of the National Assembly of the Republic of Belarus included. In addition, the submission of the Constitutional Court shall be adopted by the majority of the total number of judges of the Constitutional Court besides the case when the submission on the termination of term of office is made in accordance with point 5 of paragraph one of the present Article which shall be adopted by the majority of not less than two thirds of the total number of judges.

Article 18¹

Suspension from Office of a Judge of the Constitutional Court

The powers of a judge of the Constitutional Court may be suspended in the event of :

- 1) the President of the Republic of Belarus giving his consent to the arrest of a judge or having him or her brought to criminal responsibility;
- 2) the Constitutional Court judge has been registered as a candidate to the deputies of the House of Representatives, members of the Council of the Republic of the National Assembly of the Republic of Belarus, deputies of local Councils of deputies.

Suspension of powers of a Constitutional Court judge shall be done by the President of the Republic of Belarus. Decision on the suspension of powers of a Constitutional Court judge shall be taken without delay after the grounds for such suspension have been revealed.

No Constitutional Court judge, whose powers have been suspended, may participate in sittings of the Constitutional Court or send official documents to state bodies and other bodies, officials and citizens and to demand from them any documents or other information in accordance with the present Law.

Restoration of powers of a Constitutional Court judge shall be admitted after grounds for the suspension lapse and shall be formalised by the President of the Republic of Belarus.

Article 18²

Resignation of a Constitutional Court Judge

A judge shall be deemed to have resigned in the event of his or her term of office being terminated on the grounds provided for in points 1 and 3 of the first paragraph of Article

18 of the present Law.

Length of service of a Constitutional Court judge, which gives him or her the right to resignation and payment of the monthly allowance, shall be defined by the legislation of the Republic of Belarus. Furthermore, the period of work in a specialised legal field previously completed by the Constitutional Court judge in question shall be counted as part of the period of service giving entitlement to life-long monthly allowance.

The procedure for the calculation and payment of the life-long monthly allowance shall be defined by the President of the Republic of Belarus.

Article 19

Chairperson of the Constitutional Court

The Chairperson of the Constitutional Court shall enjoy all the rights and bear all the obligations of a Constitutional Court judge.

The Chairperson of the Constitutional Court shall represent the Constitutional Court of the Republic of Belarus in relations with state bodies and organisations, social associations.

The Chairperson of the Constitutional Court shall:

- direct the work of the Constitutional Court and distribute duties among its members;
- call and preside over the sittings of the Constitutional Court;
- take measures to encourage or penalise the judges of the Constitutional Court, in accordance with the regulations;
- perform general administration of the work of the Secretariat of the Constitutional Court and be entitled to engaged and dismiss its staff;
- be entitled to resign from office at any time.

The Chairperson of the Constitutional Court shall issue instructions on matters relating to the internal activities of the constitutional Court.

The Chairperson of the Constitutional Court shall exercise other functions in accordance with the present Law and the Regulations of the Constitutional Court.

Article 20

Vice-Chairperson of the Constitutional Court

The Vice-Chairperson of the Republic of Belarus shall enjoy all the rights and bear all the obligations of a Constitutional Court judge, and shall perform the duties of the Chairperson of the Constitutional Court in the latter's absence or if instructed to do so by the latter.

The Vice-Chairperson of the Constitutional Court shall be entitled to resign from office at any time.

Article 21

A Constitutional Court Judge

A Constitutional Court judge shall:

- be entitled to demand the convening of a sitting of the Constitutional Court, to submit issues for the Court's consideration and express a dissenting opinion in respect of the Constitutional Court's decisions;
- participate in all sittings of the Constitutional Court and be entitled to vote;
- enjoy the other rights and bear the responsibilities provided for in the present Law;

A Constitutional Court judge shall be entitled to resign from office at any time.

Until a ruling is given on issues being studied or deliberated by the Constitutional Court, none of its members shall be entitled to express an opinion publicly, unless it is necessary to do so in order to prepare an issue for consideration by the Constitutional Court.

Constitutional Court judges shall have equal rights in deciding on all issues falling within the competence of the Constitutional Court.

Article 22

Entitlement of Constitutional Court Judges to Attend Sitzings of State Bodies

Constitutional Court judges shall be entitled to attend open (and also closed, by invitation) sittings of any state body.

Article 23

Immunity of a Constitutional Court Judge

Constitutional Court judges shall enjoy immunity.

The immunity of a judge shall extend to his or her home, office premises, transport, means of communication, correspondence, belongings and documents used by them.

Persons appointed and elected to the Constitutional Court shall not have criminal proceedings instituted against them or be arrested or deprived of their personal freedom in any other manner without the consent of the President of the Republic of Belarus, except where they are arrested while committing a crime.

Criminal proceedings against a Constitutional Court member may be instituted only by the Procurator General of the Republic of Belarus with the consent of the President of the Republic of Belarus.

Article 24

Guarantees of the Activity of the Constitutional Court

Funding for the Constitutional Court shall be drawn from the budget of the Republic and shall guarantee the complete independence of legal proceedings before the Court. A separate heading in the annual budget of the Republic shall provide for the funds required to guarantee the work of the constitutional Court, and the Court shall be free to use those funds as it sees fit.

The premises required by the Constitutional Court to carry out its duties shall be the property of the Republic; the Court shall be responsible for their day-to-day management.

The Constitutional Court shall independently acquire the information facilities and personnel required for its activities.

The physical and technical resources required for the activities of the Constitutional Court, including means of transport and communication, shall be provided by the appropriate state bodies in accordance with a procedure established by the President of the Republic of Belarus.

Article 25

Guarantees of the Independence of the Constitutional Court Judge

Material guarantees of independence of a judge of the Constitutional Court of the Republic of Belarus relating to their social security, social and consumer services shall be established in order determined by the President of the Republic of Belarus. In addition, the measures for legal and social protection of the Constitutional Court judges may not be lower than those set up for the judges of the ordinary courts. In the event of other legal enactments envisaging different norms, enhancing the level of legal protection, material and social security of the judges of the Supreme Court of the Republic of Belarus and the Supreme Economic Court of the Republic of Belarus or other officials of state apparatus, the provisions of those enactments shall apply to the Constitutional Court judges.

Chapter III

RULES OF PROCEDURE BEFORE THE CONSTITUTIONAL COURT

Article 26

Sittings of the Constitutional Court

Constitutional Court sittings shall be conducted in a solemn environment, with the observance of all requirements of judicial etiquette.

All persons present in the courtroom shall be bound to show respect for the Constitutional Court and its rules and procedures and shall obey the orders of the presiding official.

Closed sittings may be held in cases where the Constitutional Court decides that they are necessary in the interests of state secrecy.

No judge shall have the right to absence in the sitting of the Court without reasonable excuse. No judge shall be debarred to participate in the sitting of the Court if his or her powers have not been suspended or terminated in the order determined by the present Law.

Article 27

General Rules of Procedure of the Constitutional Court

One or more issues may be considered at a sitting of the Constitutional Court. A report shall be prepared on each issue and presented by a member of the Constitutional Court.

Sittings of the Constitutional Court shall as a rule continue without interruption, except time allocated for rest or for participants to prepare their final address.

A sitting may be suspended on application by one of the parties for the additional study of material submitted by the other party and also in the event of circumstances obstructing the normal progress of consideration of a case or upon the necessity of considering another issue within a certain time limit. In such a case, the presiding official shall announce the suspension of proceedings for a specified time. Proceedings shall continue from the point at which they were suspended.

Proceedings may be discontinued if the application on the basis of which the case was being considered is withdrawn or if the enforceable enactment whose constitutionality was disputed is amended or supplemented in such a manner that the grounds bringing the case before the Court no longer apply or such an enactment is repealed, except in the events where inalienable human rights and freedoms have been violated by the operation of this enactment and have not been restored after its repeal. Proceedings shall be discontinued if during a sitting the grounds for the refusal to consider the application are revealed.

Fresh submission of the issue to the Constitutional Court in such circumstances shall be possible only after three months have elapsed since the announcement of the decision to discontinue examination of the issue, provided that the grounds leading the Constitutional Court to announce that decision have been removed.

The suspension of the Constitutional Court's examination of one issue shall not prevent it from considering other issues.

Article 28

Officials Presiding Over Sittings of the Constitutional Court

Sittings of the Constitutional Court shall be presided by the Chairperson of the Constitutional Court or, in his or her absence or on his or her instructions, the Vice-Chairperson of the Constitutional Court. The Judge reporting on the case may not preside the sitting.

The presiding official shall conduct the sitting, take the necessary measures to ensure the orderly nature, completeness and thoroughness of the examination and to record its progress and results; he or she shall rule out any considerations which are irrelevant to the case; he or she shall interrupt, after a warning, speeches by the participants in the sitting, should they concern matters unrelated to the case or lying outside the competence of the Court; he or she shall deny participants the floor if they wilfully breach the order of speaking, use strong or abusive language or otherwise violate the procedure and rules for examining issues in the Constitutional Court.

The presiding official shall be entitled to remove from the courtroom any person committing a breach of order or failing to comply with his lawful instructions.

Article 29

Parties and Participants in Sitzings of the Constitutional Court

Participants in Constitutional Court sittings shall be the parties involved, representatives of the parties, witnesses, experts, specialists and translators.

Sittings of the Constitutional Court may be attended by the President of the Republic of Belarus, the Chairperson of the House of Representatives of the National Assembly of the Republic of Belarus, Chairperson of the Council of the Republic of the National Assembly of the Republic of Belarus, the Prime Minister of the Republic of Belarus, the Chairperson of the Supreme Court of the Republic of Belarus, the chairperson of the Supreme Economic Court of the Republic of Belarus, the Procurator General of the Republic of Belarus and the Minister of Justice of the Republic of Belarus. They shall be entitled to state their position on all the issues examined.

Parties to Constitutional Court sittings shall be:

officials who signed or issued the enactment whose constitutionality is disputed, or their representatives;

the persons who submitted the application for review to the Constitutional Court, or their representatives.

Barristers, specialists and other persons whose authority to act is confirmed in writing by the parties in accordance with the established procedure may participate in sittings as representatives of the parties.

The parties (their representatives) shall appear when called before the Constitutional Court and provide explanations and answer issues. A party (its representative) shall be entitled to state their own position in respect of the case, put issues to the adverse party (its representative), witnesses and experts and also to lodge petitions, submit documents, written comments and other material concerning the case, and have access to the documents, written comments and other material submitted to the Constitutional Court by the adverse party (its representative).

The parties, their representatives, witnesses, experts and specialists taking part in sittings of the Constitutional Court shall be required to state accurately and truthfully all the circumstances of the case which are known to them.

The failure of parties or other participants to appear in a Constitutional Court sitting shall not provide obligatory grounds for discontinuing or suspending examination of the case.

Article 30

Responsibility for Covering the Expenses of Parties and Participants in Constitutional Court Sitzings

The parties shall cover the expenses arising from their participation in a sitting of the Constitutional Court from their own means; they may demand reimbursement of their costs through a civil action.

The expenses incurred by participants summoned to appear by the Constitutional Court

shall be covered by the budget of the Republic in accordance with the procedure established for this purpose by the juridical system.

Article 31

Notification of and Summons to Constitutional Court Sittings

The parties, and other participants if so decided by the Constitutional Court, shall be sent notice of the sitting, the agenda, and copies of the application, of the enactments in question and of opinions on them ten days prior to the start of the sitting at the latest. If necessary, the parties may be provided with other documents and material.

Any person may be called as a witness at the discretion of the Constitutional Court, whereas those called as experts or specialists shall have special qualifications or expertise.

Witnesses, experts and specialists shall be obliged to appear before the Constitutional Court when summoned by it.

Article 32

Recording of Constitutional Court Sittings

Constitutional Court sittings shall be recorded; the minutes shall include:

the place and date of the sitting;

the names of the judges present and absent;

the surname, first name, patronymic and position of the presiding official;

the agenda;

data on parties and participants in the sitting;

the measures taken by the Constitutional Court in chronological order and their results;

the explanations and statements of the parties their representatives and other participants, the questions put to them and their replies;

the testimonies of witnesses and experts, the questions put to them and their replies;

the facts which the parties and participants requested to be included in the minutes;

references to any breaches of procedure, other manifestations of disrespect for the Constitutional Court, warnings given and penalties imposed;

questions put to a vote and the results of voting;

the wording of any decisions given by the Constitutional Court.

The minutes must be drawn up within ten days of the end of the sitting. In the exceptional cases if the minutes is very broad in scope the time for its drawing up the may be extended up to fifteen days by the official who preside over the Constitutional Court sitting. They shall be signed by the official who presided over the Constitutional Court sitting and by the secretary of the sitting.

The minutes of the Constitutional Court sitting shall be made available to the parties and participants in the sitting. The procedure for consulting the minutes, obtaining copies of them and taking any other action related to their dissemination shall be established by the Constitutional Court.

Article 32¹

Preliminary Consideration of Applications

The applications being communicated to the constitutional Court shall be subject to compulsory registration and a preliminary study in the Secretariat of the Constitutional Court.

After the preliminary study the Chairperson of the Constitutional Court shall take the decision to refer an application to a judge (judges) of the Constitutional Court for further preparation of the issue on taking proceedings or for the withdrawal of an application to its initiator in order to make good any shortcomings or for the withdrawal of an

application due to the fact that it does not fall within the Constitutional Court jurisdiction.

Article 33

Preparation of Constitutional Court Sitzings

Issues submitted for consideration by the Constitutional Court shall form the subject of a preliminary study. The Chairperson shall assign one or more judges to the study of the case and set a time limit for the completion of this work, which, as a rule, shall be no more than two months after the date of receipt of the file by the Constitutional Court. The Chairperson of the Constitutional Court may extend this time limit by a maximum of one month if the issue is particularly complex or very broad in scope.

The judge assigned to prepare the case (reporting judge) shall be entitled to demand the necessary documents, order checks, investigations and expert appraisals, consult specialists, make inquiries, demand that the initiators of the case make good any shortcomings in the documents presented, and set time limits for compliance with his or her orders.

The judges shall be notified of the time, place and agenda of the sitting and provided with all the documents necessary for the consideration of the case no later than ten days before the start of the sitting.

Article 34

Procedure for the Consideration of Cases by the Constitutional Court

At the appointed time, the presiding official shall open the sitting and announce the agenda. He or she shall then ensure that all the parties and participants are present, check where necessary that they have authority to act and inform them of their rights and obligations.

If the parties or participants fail to appear at the sitting or do not have duly certified authority to act, the presiding official shall invite the members of the Court to vote on whether the case should be examined or on whether the person in question should participate in its examination.

The consideration of each case shall begin with the report of the reporting judge, who shall state the substance of the issue and the reasons and grounds for its examination. After his or her report, the parties or their representatives shall be heard. Questions may be put to them. Where necessary, the evidence of witnesses, experts and specialists shall be heard and documents relevant to the consideration of the case read out. Having investigated the materials of the case, the presiding official shall declare the completion of the hearing and report the date and time of the pronouncing of the final decision. The final decision shall be pronounced in no event later than fifteen days after the completion of a hearing.

Article 35

Passing of Constitutional Court Decisions

The final decision on the case shall be passed by the Constitutional Court by the conference in camera.

Only judges considering the case in the sitting of the Court shall participate in the conference. Members of the Secretariat of the Constitutional Court who are ensure technical security of the conference may be present in the conference room.

During the conference the judges may freely express their position on the issue under discussion and may ask other judges to clarify their positions.

Constitutional Court decisions shall be passed by roll-call vote of the judges. The presiding official shall be the last to cast his or her vote.

The presiding official shall put questions to the vote in the order in which they are raised.

Judges shall vote "for" or "against" and not be entitled to abstain or not take part in voting.

A Constitutional Court judgment shall be deemed as passed if it receives a simple majority of the votes of the full membership of the bench unless otherwise stipulated by the present Law.

If votes are evenly divided during the passing of the decision on the verification of the constitutionality of an enforceable enactment, the decision shall be deemed to have been passed in favour of the constitutionality of the contested enactment.

The issues put to the vote and the results of voting shall be compulsory recorded in the minutes of the conference.

The minutes of the conference of the judges shall be signed by all the judges who participated in the passing of a decision and shall be subject to no announcement.

Article 36

Constitutional Court Decisions

Any act taken by the Constitutional Court during a sitting shall be regarded as a decision of the Court.

In the cases provided for in Article 5 of the present Law, Constitutional Court decision shall take the form of conclusions.

Requests to state organs may form part of other decisions or may be conveyed separately in the form of an inquiry or other request.

The analysis of the situation regarding compliance with the constitutional legality of the Republic of Belarus shall take the form of a memorandum from the Constitutional Court to the President of the Republic of Belarus and the Houses of the Parliament of the Republic of Belarus.

Article 37

Form of Constitutional Court Decisions

Constitutional Court decisions shall take the form of a separate document or appear as part of the minutes.

The conclusion of the Constitutional Court shall be drawn up in accordance with the requirements of the present Law.

The memorandum of the Constitutional Court, its inquiries, requests and also other decisions of a procedural nature shall be drafted in accordance with a procedure established by the Constitutional Court.

Article 37¹

Procedure for Rectifying Inaccuracies and Patent Errors in Constitutional Court Decisions

The Constitutional Court shall be entitled, after announcing its judgment, to rectify inaccuracies committed in it in respect of names and titles, minor slips, counting and other drafting errors.

The rectification of inaccuracies, minor slips, counting and other drafting errors committed in the judgment shall be permitted only at a sitting of the Constitutional Court by means of a decision to this effect.

Article 38

Delivery of Constitutional Court Decisions and Their Entry into Force

The decisions of the Constitutional Court shall be delivered at the Court sitting in terms specified by the Constitutional Court in accordance with the present Law; its decisions are final and subject to no appeal or protest.

The judgments and other decisions of the Constitutional Court except for the requests, claims and decisions of the procedural nature shall enter into force immediately after they are delivered if the other term is not stipulated in this acts.

Article 39

Dissenting Opinion of a Constitutional Court Judge

A Constitutional Court judge disagreeing with the decision passed shall be entitled to state his dissenting opinion in writing and attach it to the minutes of the sitting. Such an opinion, at a judge's will, shall be published as appendices to Constitutional Court decision in the "Vestnik Konstitutsionnogo Suda Respubliki Belarus" ("The Bulletin of the Constitutional Court of the Republic of Belarus").

Article 40

Publication of Constitutional Court Decisions

The conclusions of the Constitutional Court shall be subject to obligatory official publication in accordance with the procedure established by the legislation of the Republic of Belarus. The decisions shall be also published in the "Vestnik Konstitutsionnogo Suda Respubliki Belarus" ("The Bulletin of the Constitutional Court of the Republic of Belarus").

Conclusions of the Constitutional Court shall be sent, no later than three days after their adoption, to the President of the Republic of Belarus, the House of Representatives and the Council of the Republic of the National Assembly of the Republic of Belarus, the Prime Minister of the Republic of Belarus, the Chairperson of the Supreme Court of the Republic of Belarus, the Chairperson of the Supreme Economic Court of the Republic of Belarus, the Procurator General of the Republic of Belarus, the Ministry of Justice of the Republic of Belarus and the parties to the proceedings. Decisions of the Constitutional Court may be sent also to other state bodies and officials.

Decisions of the Constitutional Court in the form of inquiries or requests and also those relating to procedural matters shall be published in accordance with the procedure established by the Constitutional Court.

Article 40¹

Time Limits for the Enforcement of Decisions

Constitutional Court decisions shall be enforced immediately after their publication, if they do not specify some other time limit.

Article 40²

Consequences of Failure to Enforce a Judgment

Failing to enforce Constitutional Court judgments, inappropriately enforcing them or impeding their enforcement shall be called to account at law.

Article 41

Interpretation of Constitutional Court Decisions

Constitutional Court decisions may be officially interpreted only by the Constitutional Court itself. The Court shall give a decision on their interpretation, which shall be set out in a separate document.

Article 42

Review of a Constitutional Court Decision

A decision of the Constitutional Court may be reviewed at its own initiative in the case of: a change in the constitutional rule on which the decision was founded;

the discovery of new circumstances which could substantially affect the essence of that decision.

Article 43

Judgment of the Constitutional Court

A judgment shall be passed by the Constitutional Court after consideration of the issues listed in Article 5 of the present Law.

A judgment of the Constitutional Court shall include:

- the title of the judgment and the date and place of its delivery;
- the membership of the Constitutional Court which delivered the judgment;
- the list of parties and participants in the sitting;
- the issue considered and the grounds for its consideration;
- the provisions of the Constitution and the present Law establishing the right or obligation of the Constitutional Court to consider the issue in question;
- the full title of the enactment whose constitutionality was reviewed and the source of its publication (receipt);
- the circumstances established during consideration of the issue;
- the provisions of the Constitution, instruments of international law and the present Law which guided the Court in its decision;
- the title and date of entry into force of any Constitutional Court decision referred to in the preparation of the present decision;
- the wording of the decision and its grounds;
- the procedure and time limit for enforcement of the decision and details of its publication.

If the enactment whose constitutionality is reviewed is declared constitutional in some parts and unconstitutional in others or if in respect of the same case some enactments are declared constitutional and the others unconstitutional, this shall be stated in the judgment of the Constitutional Court.

Article 44

Memorandum from the Constitutional Court

The Constitutional Court shall send an annual memorandum to the President of the Republic of Belarus and the Houses of the Parliament of the Republic of Belarus concerning the state of observance of the constitutional law of the Republic, based on the material examined.

Article 45

Inquiries and Requests of the Constitutional Court

To ensure the procedure and rule on other issues falling within its competence, the Constitutional Court, or, during the preparatory work for consideration of a specific issue, one of its judges, shall be entitled to make inquiries and requests to state bodies.

Article 46

Entitlement of the Constitutional Court to Impose Fines

The Constitutional Court shall be entitled to impose fines on officials and citizens showing disrespect for the Constitutional Court.

Fines may be imposed on the following grounds:

- refusal or failure to consider within the set time limit, without valid excuse, the inquiries or requests of the Constitutional Court;
- failure to implement within the set time limit, without valid excuse, orders or requests of a Constitutional Court judge to provide documents and other materials, carry out checks and render aid and assistance in connection with the consideration of a specific issue;

deliberate submission of false information and documents to the Constitutional Court;
failure to appear without valid excuse, refusal to appear or failure to give notification of the impossibility of appearing at a sitting of the Constitutional Court of a witness, expert or specialist;
non authorised violation by a participant in the sitting of the order of speaking, the use of strong or abusive language or other disturbances of the procedure for Constitutional Court sittings, refusal to comply with the presiding official's instructions on procedural matters.
For each disturbance the Constitutional Court shall be entitled to impose fines of up to 10 base values on citizens and of up to 50 base values on officials.
The procedure for implementing Constitutional Court decisions on the collection of fines shall be established by the Constitutional Court.

Article 47

Content of an Application for Review of the Constitutionality of an Enactment

An application for review of the constitutionality of an enactment shall include:
information on the applicant(s) of the motion confirming their authority to submit an application to the Constitutional Court;
the title of the international treaty or the enactment to be reviewed and information on the sources of its publication;
the grounds for consideration of the issue by the Constitutional Court;
the position of a party and its legal basis with reference to the appropriate legislative provisions;
the list of enclosed documents.

The application shall be signed by an official, a representative of a state body or a group of deputies as provided for in Article 6 of the present Law.

The following documents shall be enclosed with an application for review of the constitutionality of an enactment:

a duly certified copy of the full text of the international treaty or the enactment whose constitutionality is to be reviewed as a whole or in part, with the necessary translation and an indication of the source of publication (receipt) of the enactment;
a power of attorney or other document confirming the authority of a representative, except in cases where he or she is empowered as a representative by virtue of his or her office.

Lists of witnesses and experts whom it is proposed to call before the Constitutional Court, the conclusions of specialists and other documents and material for submission to the Constitutional Court may be enclosed with the application.

Applications and the mandatory enclosures shall be sent to the Constitutional Court in at least 15 copies.

Article 48

Withdrawal of an Application for Review of the Constitutionality of an Enactment

An application for review of the constitutionality of an enactment may be withdrawn by the applicant before the Constitutional Court begins its consideration of the case.
If an application has been withdrawn the proceedings on the case shall be cancelled.

Article 49

Refusal to Consider an Application for Review of the Constitutionality of an Enactment

The Constitutional Court refuses to consider an application for review of an enactment if:
the application is submitted by a body or person having no authority to do so;
the application does not meet the requirements set out in Article 47 of the present Law;

the application does not fall within the competence of the Constitutional Court; the constitutionality in whole or in part of the international treaty or other enactments mentioned in the application has already been reviewed by the Constitutional Court and, since that review, there has been no change in the Constitution or other legal rules which served as the basis for the Court's decision; a matter dealt with in the international treaty or other enactment whose constitutionality is disputed is not provided for in the Constitution and the means of properly resolving it cannot be derived from the general principles and meaning of the Constitution; a party has not remedied formal shortcomings in an application for review of the constitutionality of an enactment.

In the event of grounds for refusing to consider an application being established during a sitting of the Constitutional Court, the Court shall decide to discontinue its consideration of the issue.

Chapter IV

OTHER ISSUES CONCERNING THE ORGANISATION AND ACTIVITY OF THE CONSTITUTIONAL COURT

Article 50

Regulations of the Constitutional Court

On the basis of the provisions of the present Law, the Constitutional Court shall adopt regulations establishing rules governing constitutional proceedings, rules of procedure and juridical etiquette, and laying down requirements relating to Secretariat staff, the keeping of records and other aspects of its internal activities.

Article 51

Academic Consultative Council at the Constitutional Court

An Academic Consultative Council made up of theorists and other legal experts shall be established at the Constitutional Court. Its staff and regulations shall be approved by the Constitutional Court.

Article 52

Constitutional Court Secretariat

The Constitutional Court Secretariat shall perform information-related, organisational, technical and other work required for the functioning of the Constitutional Court.

The Constitutional Court Secretariat shall be a legal entity under the direct control of the Secretary General of the Constitutional Court appointed by the Chairperson of the Constitutional Court.

The staff of the Constitutional Court Secretariat shall have the rights and obligations laid down in the legislation on civil servants.

Article 53

Court Expenditure

Expenditure relating to the reimbursement of remuneration to third parties for consultancy work and expert appraisals performed under contract, compensation for expenses incurred by witnesses and experts appearing before the Constitutional Court and reimbursement of other Court costs, shall be financed from the budget of the Republic.

Expenditure relating to the enforcement of the binding decisions of the Constitutional Court shall be borne by state organs, enterprises, institutions and organisations

responsible for enforcing them.

Article 53¹

Official Publication of the Constitutional Court

The "Vesnik Kanstytutsijnaga Suda Respubliki Belarus" ("Vestnik Konstitutsionnogo Suda Respubliki Belarus") / "Bulletin of the Constitutional Court of the Republic of Belarus" / shall be the official publication of the Constitutional Court of the Republic of Belarus.

Expenditure for its publishing shall be envisaged annually in the general calculation of costs for the Constitutional Court support.

Article 54

Protection of the Constitutional Court

The Constitutional Court shall be protected by the internal affairs authorities of the Republic of Belarus.

Article 55

Symbols of the Juridical Power of the Constitutional Court

The State Flag of the Republic of Belarus shall be hoisted on the premises of the Constitutional Court of the Republic of Belarus.

The State Flag of the Republic of Belarus, the depiction of the State Emblem of the Republic of Belarus and the text of the Constitution of the Republic of Belarus shall be displayed in the courtroom of the Constitutional Court.

The State Flag of the Republic of Belarus shall be placed in the office of the judge of the Constitutional Court.

The judges of the Constitutional Court shall sit in gowns, the description and design of which are to be approved by the President of the Republic of Belarus.

Article 56

Identity Documents Issued to the Constitutional Court Judge

Constitutional Court judges shall be issued with an identity document, the description and design of which shall be established by the Constitutional Court.

No one shall be entitled to demand from a Constitutional Court judge any documents attesting to his or her status other than this identity document.

Article 57

Seat of the Constitutional Court

The permanent seat of the Constitutional Court shall be in the capital of the Republic of Belarus, the City of Minsk.

Constitutional Court sittings shall be held at the Court's permanent seat. The Constitutional Court may however hold sittings elsewhere if it deems it necessary.

Article 58

Seal of the Constitutional Court

The Constitutional Court shall have a seal with the impression of the State Emblem of the Republic of Belarus and its designation.

Chapter V

PECULIARITIES OF PROCEEDINGS IN RESPECT OF GIVING CONCLUSION ON THE PRESENCE OF INSTANCES OF SYSTEMATIC OR FLAGRANT

VIOLATION OF THE CONSTITUTION OF THE REPUBLIC OF BELARUS BY THE CHAMBERS OF PARLIAMENT

Article 59

Procedure for Transmitting Proposal to the Constitutional Court

The proposal on giving the conclusion on the presence of instances of systematic or flagrant violation of the Constitution of the Republic of Belarus by the House of Representatives or the Council of the Republic of the National Assembly of the Republic of Belarus may be transmitted to the Constitutional Court by the President of the Republic of Belarus.

Other materials which bear relation to the case, unless those listed in Article 47 of the present Law, may be enclosed with the proposal.

Article 60

Limits of Verification

When verifying communicated to it by the initiator information on the presence of systematic or flagrant violation of the Constitution of the Republic of Belarus by the chamber (chambers) of Parliament, the Constitutional Court shall investigate evidence which determines the presence and absence of such instances with certainty and shall estimate them.

The Constitutional Court shall not be entitled to examine other instances, unless those specified by the President of the Republic of Belarus.

Article 61

Passing of the Conclusion of the Constitutional Court on the Presence of Systematic or Flagrant Violation of the Constitution of the Republic of Belarus by the Chambers of Parliament and Its Consequences

Having examined the case the Constitutional Court shall give one of the following conclusions;

- 1) on the absence of instances of systematic or flagrant violation of the Constitution of the Republic of Belarus by the chambers of Parliament;
- 2) on the presence of instances of systematic or flagrant violation of the Constitution of the Republic of Belarus by the chambers of Parliament.

If the votes are evenly divided during the passing of the conclusion in question, the decision shall be deemed to have been passed in favour of the absence of instances of systematic or flagrant violation of the Constitution of the Republic of Belarus by the chambers of Parliament.

The conclusion of the Constitutional Court on the presence of instances of systematic or flagrant violation of the Constitution of the Republic of Belarus by the chambers of Parliament may be the ground for the adoption of the decision on early termination of the powers of the chamber (chambers) of Parliament of the Republic of Belarus by the President of the Republic of Belarus.